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Item 8 of the provisional agenda

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Letter dated 18 May 1993 from the Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights

The Permanent Mission of the Republic of Iraq to the United Nations Office at Geneva has the honour to request the circulation of the attached document on the detrimental effects of the economic embargo against the Iraqi people as an official document of the next session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in view of the detrimental effects of the continuing embargo against the Iraqi people, which contravenes all practices and international charters that recognize the right of peoples to live in dignity.

GE.93-14175 (E)

The detrimental effects of the economic embargo against the Iraqi people

The detrimental effects of the economic embargo against Iraq have clearly affected the entire Iraqi people in various aspects of their lives, particularly with regard to their medical and food requirements. The following provides a brief summary of the detrimental effects of the economic embargo in terms of health and food.

1. Detrimental effects in terms of health and medicine

The economic embargo imposed on Iraq has led to an acute and widescale shortage of all medicines and medical supplies; treatment and diagnostic services have been seriously affected, coupled with an adverse increase in the number of patients in Iraq, as the medicines used to treat children, such as antibiotics, sedatives, endothermics, antiemetics, antidiarrhoeals and ointments, are currently unavailable in the country. There are also no child vaccines. In terms of adults, the medicines and supplies used in treating common illnesses are unavailable; there are no vaccines, no antibiotics, no sedatives, none of the physiological fluids given intravenously, no hormones and even no eye drops. There are also no life-saving medicines, such as those used for heart patients and in operating theatres and laboratories. For that reason alone, the number of laboratory tests in October 1992, for example, dropped by 61.9 per cent compared with the average in 1989. Furthermore, owing to the unavailability of the most basic requirements for operations, such as nitrogen oxide gas, halothane, intravenous fluids, anaesthetics and so on, the number of operations in the month of October 1992, for instance, fell by 65 per cent compared with the average in 1989. The economic embargo has also produced a wide shortage of food and personal hygiene articles, which has in turn led to the outbreak of communicable diseases among both young and old, such as typhoid, infantile paralysis, tetanus, viral hepatitis, Giardia, German measles, kala-azar, undulant fever, hemorrhagic fever, croup, whooping cough, rickets, scabies, hydrocysts and rabies. The figures for these diseases are now extremely high compared to those for 1989. In addition, diseases which Iraq had finally eliminated, such as cholera and scabies, have reappeared. Malnutrition in expectant mothers and the unavailability of the tonics taken by pregnant women have affected the weight of newborn infants: of total newborn babies recorded in health establishments in October 1992, during the period of embargo, the monthly average of those weighing less than 2.5 kilograms was 17.9 per cent. Children are malnourished owing to the unavailability of milk, mothers are unable to breastfeed owing to severe malnutrition and infant foods are unobtainable, meaning that the embargo has greatly affected children under the age of five. With all the above factors combined, the embargo on medicine and food has caused the deaths of thousands of under-fives; in November 1992, the number of deaths was 5,113, whereas total deaths in November 1989 were 353.

For adults aged over 50, the total number of deaths attributable to the embargo in November 1992 amounted to 4,824, whereas the total for the same month in 1989 was 454.

2. Detrimental effects of the embargo on food

One of the overall effects of the unjust economic embargo is that the food consumption quota of the Iraqi citizen has fallen to 50 per cent, while imports by the Ministry of Trade, as an annual average during the period of embargo, have fallen to 86 per cent compared with the volume of imports under normal circumstances. The price of basic foodstuffs has also risen to extremely high levels, thereby constituting a heavy burden on the consumer, particularly the middle and lower classes.

A simple comparison between the monthly individual quota for basic foodstuffs before and after the embargo shows the extent of the enforced consumer shortage experienced by citizens as a result of the unjust economic embargo. For example, the individual flour quota prior to the embargo was 15 kilograms, whereas after the embargo it fell to 9 kilograms, representing a reduction of 40 per cent. Rice quotas similarly fell from 3 kilograms to 2.25 kilograms, representing a reduction of 31.6 per cent. Individual sugar quotas also fell from 3.51 kilograms to 1.5 kilograms, representing a reduction of 57.3 per cent. The same applies to other basic foodstuffs.

Although the Ministry of Trade has endeavoured to increase the quota and availability of certain foodstuffs, the normal individual consumption level for foodstuffs has not been attained; the proportion of some items is below 30 per cent of the fixed quota for citizens before the embargo. Moreover, the fact that numerous contracts have been prejudiced and the fluidity of others has been hindered, coupled with the freezing of Iraqi assets and reserves abroad, has led to a large increase in the price of foodstuffs.

A straightforward comparative study of the prices of basic foodstuffs sold on local markets in May 1992 and May 1993, for example, shows the extent of the increase in the prices of such items. The price of 50 kilograms of flour, for instance, rose from 210.6 Iraqi dinars in May 1992 to 525 Iraqi dinars in May 1993, representing an increase of 149 per cent. Similarly, the price of 50 kilograms of rice rose from 254.9 Iraqi dinars to 450 Iraqi dinars, representing an increase of 77 per cent, while the price of 50 kilograms of sugar rose from 312.8 Iraqi dinars to 600 Iraqi dinars, representing an increase of 92 per cent. The same also applies to the other basic foodstuffs.

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Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 26 July 1993 addressed to the Centre for Human Rights by the Permanent Representative of Peru to the United Nations Office at Geneva

I have the pleasure to transmit to you herewith a series of aides-mèmoire concerning the measures recently adopted by the Peruvian Government in accordance with its constant interest in promoting and protecting human rights and as part of the current effort to bring peace to the country.

I am forwarding to you the aforementioned documentation as I consider it to be of considerable interest for the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which will be meeting this coming August.

(Signed) José Urrutia
Ambassador

I. PERU: RECENT DEVELOPMENTS IN THE PROMOTION OF HUMAN RIGHTS

1. On 20 April 1993, a dialogue was initiated between Peruvian government officials and the Coordinating Committee for Human Rights (CCHR), an organization that comprises most human rights non-governmental organizations (NGOs) in Peru.* This dialogue resumed on 9 June and signifies the endeavour of President Fujimori's Government to channel in full transparency its permanent preoccupation with the defence and promotion of human rights within the context of the pacification policy that is currently being implemented.

2. This policy is sustained by the following elements:

(a) Furthering the support of the civilian population by the armed forces and police. Health services, construction of infrastructure, vaccination campaigns against epidemic diseases, free medical services, food and book distribution to the neediest members of the population have multiplied;

(b) Undertaking human rights education campaigns aimed at society at large, through the national education system, as well as the armed and police forces;

(c) Quickening the pace of judicial reform. A judicial honour board, to which the most renowned jurists in the country have been appointed by consensus among all political parties participating in the Constitutional Congress, has the objective of evaluating all members of the judiciary, from the Supreme Court level to local magistrates, their qualifications and professional competence. This special committee will also review the situation of the judges fired after the reforms of 5 April 1992;

(d) Undertaking investigations and subsequent trials to identify and sanction agents of the security forces who may have committed human rights violations;

(e) Implementing structural reform of the penitentiary system with the aim of protecting prisoners' dignity and basic rights, as well as to restore necessary order and discipline;

(f) Establishing a dialogue between Government and human rights NGOs which will allow both to contribute to the national pacification process while promoting human rights. This dialogue shows the positive light in which these organizations' purposes are regarded by the Peruvian Government in the common endeavour to bring to an end all expressions of violence in the country;

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* The State was represented by the Minister of Justice, the President of the Supreme Court, the National Prosecutor, the Minister for Internal Affairs, the President of the Judiciary Defence State Council and a representative of the Minister for Foreign Affairs. The National Coordinating Committee was represented by Attorneys Francisco Soberón and Antonio Maldonado.

(g) Improving institutional coordination with international human rights organizations.

3. This new policy has had a real impact on the process of pacification and reconciliation. Among the most important achievements the following should be highlighted:

(a) Prison conditions are now, for the first time in recent history, compatible with human dignity. At the same time discipline has been imposed, penitentiary establishments are no longer training and indoctrination centres for Sendero Luminoso and MRTA followers, nor do the prisoners live in unhealthy conditions and physical and mental insecurity. This improved situation has been recently verified by the ICHR;

(b) A new process of exchange of views has started between the Government and the representatives of national human rights groups aimed at interacting positively with each other in the search for national pacification and development, objectives shared by the whole country. This will permit the Government to count on a valuable source of information and analysis for its decision-making as well as provide those organizations with a comprehensive view of all relevant factors involved in the pacification struggle;

(c) A national detainees registry has been established which has been accessible to interested parties since July;

(d) The International Committee of the Red Cross (ICRC) will be able to visit all penitentiary establishments;

(e) The ICHR and the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, in response to an invitation by the Government, have visited Peru and were able to verify the improvement in the observance of human rights.

4. Above all, this new atmosphere has made it possible to enhance the effectiveness of the security forces in the struggle against terrorism. Ninety-five per cent of Sendero Luminoso and MRTA leaders have been arrested, tried and sentenced.

5. According to the Asociación Pro Derechos Humanos (a national NGO, part of the Coordinating Committee), terrorist actions and victims of them decreased during May, a month in which Sendero Luminoso would normally "celebrate" the anniversary of the beginning of its murderous destruction crusade with a series of bloody crimes. Thirty-nine persons were affected by terrorism this May, as against 265 during May 1992.

6. On the other hand, the June issue of Perú Paz, a magazine directed by Dr. Enrique Bernales Ballesteros, former Senator of the Republic and President of the United Nations Commission on Human Rights in 1991, states that political violence in Peru constantly decreased during the first five months of the year. According to the same source, Sendero Luminoso reduced its activities by 30 per cent, while MRTA has been defeated and dispersed.

7. As a logical consequence of this situation, there is a reduced number of encounters between security forces and terrorist organizations. With this, the number of reported allegations of human rights violations has decreased. This reduced number should allow for improved accuracy and better processing of allegations.

8. Finally, it should be emphasized that all the progress achieved is being monitored by international organizations such as ICHR and ICRC, among others.

II. EDUCATION AND HUMAN RIGHTS IN PERU

9. Education is one of the priority concerns of the Government of Peru, as is confirmed by the Public Budget Act for 1993, which earmarks for the education sector an allocation amounting to 22.1 per cent of the overall budget. This amount is higher than it has been for the past 20 years. The Peruvian Government has moved away from the traditional view of education as an "expense" and now sees it as an "investment". We are convinced that education plays a fundamental role in the development of the people and that this "investment" will have beneficial effects on the personal development of millions of Peruvian children and young people, as it will, in the long term, on the process of production and the accumulation of wealth in our society.

10. The Peruvian Government firmly believes in education as a fundamental human right and, in accordance with article 13 of the International Covenant on Economic, Social and Cultural Rights, is ensuring that it is directed to the "full development of the human personality and the sense of its dignity" and strengthens "respect for human rights and fundamental freedoms".

11. In the light of the foregoing, we consider it important to refer to two basic aspects, namely current legislation in the field of education and the subject of human rights in the Peruvian education system.

12. The object of the most recent legal measures adopted by the Government of Peru is, in accordance with article 13, paragraph 2 (a), of the aforementioned Covenant, to ensure that education is provided free of charge and to improve substantially educational standards in general. We should first point out that free education is guaranteed by the 1979 Constitution, as it also is in the present draft Constitution.

13. Decree-Law 26012. This provision guarantees a monthly lump-sum allocation, provided by the State, for each pupil who regularly attends classes in the communal education centres. This allocation will enable each school centre to improve the pay levels of principals and teachers, to have the resources needed to discharge its social functions and at the same time to have a provision for goods and services. This law helps to ensure free education in that the State thereby channels greater resources into the education sector through the monthly lump-sum allocation, which will be periodically readjusted. This same law ensures that if the assembly of parents agrees to provide financial support within the limits of their resources in order to improve the education dispensed in the centre attended by their children, they can do so without the legal impediment that existed formerly.

14. Decree-Law 26011. This law provides for the transfer of decision-making power for education to local authorities, subject to the basic guidelines and supervision of the Ministry of Education. Similarly, each education centre is entrusted with educational self-management, each of them establishing a governing board comprising representatives of parents and teachers under the chairmanship of the principal. Each centre will initially set aside between 10 and 15 per cent of its timetable in order to incorporate into its curriculum training courses that address the basic needs of each district, the other courses being determined by the National Curriculum.

15. Decree-Law 26013. Under this law, mechanisms are established for monitoring the quality of the education provided by the communal education centres and the private sector is encouraged to channel resources into promoting the development of new education centres, for which they may receive a subsidy or operate under a financial partnership scheme.

16. As can be seen, through the aforementioned measures, free education in Peru is guaranteed and is being promoted by way of increased resources. The new policy is changing the ways in which education centres are administered, responsibility for which is henceforth being gradually transferred to local authorities under decentralized control in the interests of order and efficiency.

17. One of the Peruvian Government's priorities in regard to education and human rights is to develop at all levels the policy for peace education that has been pursued since the present Government came to power. For 13 years Peru has suffered from genocidal terrorist attacks. This situation, besides causing a loss of 25,000 human lives and more than 25 billion dollars, has left a deep scar on the minds of Peruvian children and young people. An entire generation has grown up knowing the nightmare and horror caused by terrorist groups in Peru.

18. The Peruvian Government is aware that education is the most appropriate means of redressing the situation. To this end, it has committed itself to a comprehensive policy for the promotion of social peace, disseminating at all levels humanist concepts whereby a culture of peace may be recreated in our country.

19. The Permanent Mission of Peru wishes accordingly to submit to the Centre for Human Rights a summary of the curriculum approved by the education authorities of Peru which, in addition to the explicit objectives and subject-matter relating to human rights, involves the teaching of those rights as standards of behaviour to be understood and practised.

20. In the curriculum for secondary education, topics relating to human rights and peace in Peru are studied in the context of courses on civic education, family education and pupil guidance and welfare.

21. In the civic education course from the first to the fifth year of secondary education, such basic topics as the following are taught:

(a) human rights in the family and society;

(b) the culture of peace;

(c) the right to education and culture;

(d) social coexistence as a source of rights and duties for human beings;

(e) the Universal Declaration of Human Rights;

(f) developments in human rights;

(g) work as a social right and duty.

22. The family education course from the first to the third year of secondary education covers such topics as:

(a) rights of the child and the family;

(b) Convention on the Rights of the Child;

(c) the right to equality of treatment between the sexes;

(d) the full development of women;

(e) equality of duties and rights in all aspects of married life.

23. In the field of pupil guidance and welfare, the focus from the first to the fifth year of secondary education is on:

(a) family dialogue and peace;

(b) human rights, the rights of the children and the right to life;

(c) the rights of women;

(d) violence and peace: room for hope.

24. As may be seen, education policy here is geared to the provision of comprehensive instruction for pupils and to the promotion of a culture of peace and tolerance, which is essential for the present process of pacification being implemented by the Peruvian Government.

III. DRASTIC REDUCTION IN THE NUMBER OF COMPLAINTS OF ALLEGED VIOLATIONS OF HUMAN RIGHTS IN PERU

25. In the last 12 years a large number of complaints of alleged violations of human rights have been submitted to the competent United Nations bodies. Most of these complaints have been made by the Working Group on Enforced or

Involuntary Disappearances, the Special Rapporteur on extra-judicial summary or arbitrary executions and the Special Rapporteur on the question of torture.

26. International public opinion, the Governments of other countries and non-governmental organizations traditionally attach enormous value to the statistics compiled by the aforementioned bodies, which often determine the position they adopt with regard to the human rights situation in any given country.

27. The President of the Republic has publicly given his assurances of his full commitment to the unrestricted observance of human rights. This commitment is producing concrete results in a context of violence unleashed by the terrorist groups operating in our country, which have not the slightest respect or consideration for the human rights and fundamental freedoms of the Peruvian people.

28. As the result of a responsible and serious policy of national pacification that respects human rights, Peru has noted a drastic reduction in the number of complaints made on the grounds of alleged violations of human rights by the aforementioned working groups and Special Rapporteurs. For example, as at 30 June 1993, the Special Rapporteur on extra-judicial, summary or arbitrary executions had transmitted to the Government of Peru only two complaints, both on the grounds of alleged death threats. At the same date, the Working Group on Enforced or Involuntary Disappearances had transmitted only seven further complaints. Lastly, the Special Rapporteur on the question of torture had brought to the notice of the Peruvian Government, as at 30 June 1993, one complaint concerning a terrorist's alleged fears of being a victim of torture. The person in question, Maria Luserro Cumpa, a former fugitive from Peruvian justice directly responsible for the assassination of various members of the national law enforcement services, is currently serving a sentence of life imprisonment. It must be stressed that this complaint is completely unfounded since torture is not practised in the prisons of Peru, as is confirmed by the commendable work done by the International Committee of the Red Cross in all the country's prisons.

29. These figures confirm once and for all a substantial improvement in the human rights field, already acknowledged by various parties, national and international alike.

IV. THE INVESTIGATION OF CASES OF ALLEGED DISAPPEARANCES

30. The Government of Peru is committed to the pursuit and implementation of higher standards of human rights protection and promotion.

31. Against the background of this general Government policy and in association with the initiatives described by the Chairman of the Council of Ministers and Minister of External Relations at the forty-ninth session of the Commission on Human Rights, the Government of Peru, in a necessary spirit of collaboration with the international bodies entrusted with the protection and promotion of human rights, has embarked upon a significant effort to investigate the complaints transmitted by the Working Group on Enforced or Involuntary Disappearances.

32. As has been pointed out to the Centre for Human Rights on previous occasions, the scantiness of resources and the difficult geographical features of Peru place serious limitations on the possibility of properly investigating complaints of alleged enforced disappearances, compounded in turn by the phenomenon of internal migration due to terrorist violence and, to a large extent, to the incompleteness of the information often contained in the communications transmitted by the above-mentioned Working Group.

33. Nevertheless, despite the aforesaid limitations, the Government of Peru is implementing a computerized checking programme in order to locate allegedly missing persons who participated in the recent elections in Peru. Accordingly, out of 1,990 complaints of alleged disappearances, it has been ascertained that 620 persons possess voters' cards, while the others may be minors or persons without identity papers or concerning whom the information contained in the complaints is incorrect.

34. Of the 626 persons found to be listed in the country's electoral registers, at the present time, owing to a shortage of resources and staff, only the electoral rolls of the provinces of Lima and Huamanga have been checked. As a result of this process, 73 persons who participated in the last elections have been identified, 42 of whom do not have namesakes in the rest of the country and 31 of whom do.

35. This information, together with the corresponding lists, has been brought to the notice of the Centre for Human Rights and the Working Group on Enforced or Involuntary Disappearances. The Government of Peru is confident that this effort will make it possible to arrive at a more realistic assessment of the true number of persons who may be included among those who have allegedly disappeared.

36. On the basis of this first estimate, it may be noted that 42 persons who for reasons unknown to the Peruvian Government, were included in the Working Group's lists, voted in the last elections held in Peru.

37. The Government of Peru wishes to place it on record that it is resolved to continue to cooperate with the various international and regional human rights mechanisms, with the conviction that through our joint endeavours we shall achieve the ultimate aim of bringing peace to the country within the framework of strict observance of human rights.

V. DECREE-LAW ON REPENTANCE

38. The fight against terrorism in Peru, which is an integral part of an overall process to bring peace to the country, takes account of the fact that military action alone will not ensure the elimination of this terrible scourge. Accordingly, a number of legal and social measures have been adopted with the object of defeating the terrorist groups operating in Peru and to provide for the possibility of reintegrating persons implicated in terrorism into the body of organized society.

39. The Government of Peru, being aware of this need, promulgated Decree-Law 25499 */ of 16 May 1992 laying down the conditions under which persons charged and sentenced on the grounds of their having committed acts of terrorism may benefit from the reduction, non-application, remission or mitigation of their sentences. Similarly, with the object of ensuring more effective application of the provisions of the Decree-Law on Repentance, the Peruvian Government, on 8 May 1993, enacted Supreme Decree 015-93-JUS.

40. It should be emphasized that article 8 of this Supreme Decree stipulates the benefits available to terrorists who have repented in order to guarantee their life and personal security and those of their families.

41. So far the repentance procedure and the processes of reintegration into society have been shown to be giving good results, as has been attested by the national and international press. Hundreds of terrorists have voluntarily given themselves up. The competent authorities have introduced community work for the benefit of those areas most affected by terrorist activities so that the citizens involved may in some way compensate for the immense harm they have done to the Peruvian people and, by means of work and cooperation, start afresh their lives in society.

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*/ Available in the Secretariat.